

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,

vs.

CLARENCE EARL BRADLEY,  
Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION TO MODIFY TERM OF  
IMPRISONMENT PURSUANT TO 18  
U.S.C. § 3582(c)(2)

Case No. 1:02-CR-35 TS

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This matter comes before the Court on Defendant's Motion to Modify Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2). Defendant previously asked this Court to reduce his sentence based on Amendment 706 to the United States Sentencing Guidelines ("USSG"), which reduced the base offense levels in USSG § 2D1.1 based on the quantity of cocaine base.<sup>1</sup> The Court found that Defendant did not qualify for a reduction in his sentence and, therefore, denied his Motion.<sup>2</sup>

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<sup>1</sup>Docket No. 77.

<sup>2</sup>Docket No. 82.

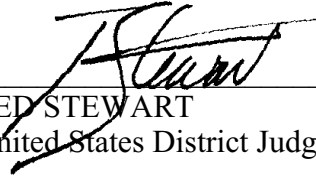
Defendant now appears to renew his Motion. For the same reasons set forth in the Court's previous Order<sup>3</sup> and the Tenth Circuit's recent decision in *United States v. Sharkey*,<sup>4</sup> Defendant's Motion must be denied.

It is therefore

ORDERED that Defendant's Motion to Modify Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2) (Docket No. 83) is DENIED. The Clerk of the Court is directed to provide Defendant a copy of the Court's previous Order (Docket No. 82) along with this Order.

DATED November 25, 2008.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>3</sup>*Id.*

<sup>4</sup>543 F.3d 1236(10th Cir. 2008).